

**2018  
ANNUAL SPRING TOWN MEETING WARRANT  
TOWN OF WALPOLE  
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To any constable in the Town of Walpole

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Walpole, qualified to vote in elections in town affairs, to meet in the Auditorium of the Walpole High School, 275 Common Street in said Walpole on the

**FIRST MONDAY IN MAY, IT BEING THE  
SEVENTH DAY OF SAID MONTH, 2018**

at 7:30 p.m. then and there to see if the Town will vote to amend the By-laws and Zoning By-laws to said Town and act on the on the following articles

**ARTICLE 1:** To hear and act on the report of any committee or to choose any committee the Town may think proper and transact any other business that may legally come before the Town. (Petition of the Board of Selectmen)

**ARTICLE 2:** To see if the Town will vote to approve the amendments to the Personnel By-laws as recommended by the Personnel Board as found on file in the office of the Town Clerk, or do or act anything in relation thereto (Petition of the Personnel Board)

**ARTICLE 3:** To see if the Town will vote to approve the new salary schedule as recommended by the Personnel Board as found on file in the office of the Town Clerk, or do or act anything in relation thereto. (Petition of the Personnel Board)

**ARTICLE 4:** To see if the Town will vote to raise and appropriate and/or transfer a sum or sums of money to defray cost of changes , if any, to the Personnel By-laws, or do or act anything in relation thereto. (Petition of the Personnel Board.)

**ARTICLE 5:** To see if the Town will vote to transfer from available funds a supplemental sum or sums of money to the various departmental operating budgets for Fiscal Year 2018 (July 1, 2017 to June 30, 2018), and to see what departmental budgets for Fiscal Year 2018 may be reduced to offset said appropriations or reduced due to any reductions in funding, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 6:** To see if the Town will vote to fix the salary and compensation for elected officials of the Town as provided for by the General Laws, Chapter 41, section 108, for their services for the fiscal year commencing July 1, 2018 and to see what sum or sums of money the Town will raise and appropriate or transfer

from available funds to defray departmental and incidental expenses of the Town for the fiscal year commencing July 1, 2018 not otherwise provided for, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 7:** To see if the Town will vote to authorize the Sewer and Water Commissioners to enter agreements with the MWRA and any other party necessary to facilitate a connection to the MWRA water system, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners)

**ARTICLE 8:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Water Service Enterprise Fund to operate the Town of Walpole Water Department for the fiscal year commencing July 1, 2018, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners)

**ARTICLE 9:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Sewer Enterprise Fund to operate the Town of Walpole Sewer Department for the fiscal year commencing July 1, 2018, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners)

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money to make water system and /or pipeline improvements at various locations throughout the Town, including all incidental and related expenses, or do or act anything in relation thereto. (Petition of the Sewer and Water Commissioners)

**ARTICLE 11:** To see if the Town will vote to raise and appropriate and/or transfer from available funds such sum or sums of money as may be required for payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Walpole, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 12:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to offset the financial impact of the snow and ice deficit on the current year tax levy, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 13:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of supplementing the Stabilization Fund as authorized by Chapter 40, Section 5B of the Massachusetts General Laws, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 14:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of supplementing the fund known as the Other Post-Employment Benefits Liability Trust Fund (OPEB) as authorized by Chapter 32B, Section 20 of the Massachusetts General Laws, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 15:** To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the Dispatchers Union and to raise and appropriate and/or transfer a sum of money to defray the costs of said agreement for the period July 1, 2017 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 16:** To see if the Town will vote to approve the monetary items in an agreement between the Town of Walpole and the Walpole Permanent Firefighters Association and to raise and appropriate and/or transfer a sum or sums of money to defray the cost of said agreement for the period of July 1, 2017 through a term to be determined, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 17:** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money to implement a Capital Improvement Program, to protect, improve, and/or modify the physical infrastructure, including but not limited to municipal buildings, facilities, parking lots, fields and other properties, of the Town of Walpole, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 18:** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum or sums of money as may be required for the purchase of capital equipment, including but not limited to vehicles, machinery, and computer/network systems, for the various departments of the Town of Walpole, and, as appropriate, the equipping thereof, and to authorize lease purchase agreements in excess of three years in connection therewith, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money for the improvements to various facilities within the Town, consisting of the construction, reconstruction or repairing of public facilities; to protect, improve, and/or modify the physical infrastructure, including but not limited to municipal buildings, and other properties, of the Town of Walpole including all incidental and related costs; to determine whether this appropriation shall be raised by borrowing or otherwise, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 20:**

- A. To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to amend the bylaw approved under Article 24 of the May 1, 2017 Spring Annual Town Meeting, by inserting at the end of the chart set forth therein the following new revolving funds, identifying in each case, the name of the fund, departmental receipts to be credited to the fund, the entity authorized to expend the fund, and the purpose or use of the fund:

FUND	DEPARTMENTAL RECEIPTS TO BE CREDITED TO FUND	ENTITY AUTHORIZED TO SPEND FUND	PURPOSE/USE OF FUND
Net Metering	Receipts from Net Metering or Other energy-related agreements	Town Administrator	Payment to vendors for Energy-related Services,; provided that the Town Accountant shall be authorized, with the approval of the Town Administrator, to close out any unneeded amounts remaining in the fund at the close of the fiscal year
Veterans Agreement Fund	Receipts from inter-municipal agreement for sharing of Veterans Agent services.	Veterans Dept.	Salaries, expenses and benefits of Veterans Agent; provided that the Town Accountant shall be authorized, with the approval of the Town Administrator, to close out any unneeded amounts remaining in the fund at the close of the fiscal year
Vehicles and	Receipts from sale of used	Town Administrator	Purchase of new or used vehicles

- B. And further, to see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish fiscal year limitations on expenditures from the revolving funds established by the Town of Walpole Bylaws, approved under Article 24 of the May 1, 2017 Spring Annual Town Meeting "Revolving Funds", with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended, and with the spending limits for the newly created revolving funds shown in bold, italic text, all as follows:

FUND	SPENDING LIMIT
Council on Aging Programs	\$100,000
Library Services	\$35,000
Senior Citizen Health Services	\$20,000
Compost Bins	\$10,000
Recreation	\$700,000
Fire Alarm Maintenance	\$20,000
Engineering Services & Inspections	\$100,000
Turco Field Maintenance & Turf Replacement Fund	\$508,584
Turner Pond Fund	\$45,000
<i>Net Metering Fund</i>	<i>\$300,000</i>
<i>Veterans Agreement Fund</i>	<i>\$50,000</i>
<i>Vehicles and equipment</i>	<i>\$200,000</i>

or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 21:** To see if the Town will vote to raise and appropriate and/or transfer from the PEG Access and Cable Related Fund authorized by General Laws Chapter 44, Section 53F¾ a sum of money as a grant to the Walpole Media Corporation to operate the Walpole Cable Access and PEG Channels, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 22:** To see if the Town will vote to transfer the care, custody, and control of the parcels of the Town-owned land shown on Assessors Map 46 as Lots 63, 65, and 66, located on Industrial Road and Main Street, from the Board of Selectmen or other board or other officer currently having custody thereof for the purposes for which said parcels are held to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey said parcels in accordance with the provisions of GL c.30B, §16, the Uniform Procurement Act, on such terms and conditions and for such consideration, which may be nominal consideration, as the Board deems appropriate; and further to authorize the Board of Selectmen to execute any and all documents reasonably necessary to effectuate the purposes of this article, or do or act anything in relation thereto. (Petition Board of Selectmen)

**ARTICLE 23:** To see if the Town will vote to transfer the care, custody, maintenance and control of the Town-owned land shown on Assessors Map 7, Parcel 18 and located on High Street from the board or officer currently having such care, custody, maintenance and control for the purpose for which it is currently held, including the maintenance and operation of a water tower, to such board or officer for its current purpose and to the Board of Selectmen for the purpose of leasing a portion or portions of said property in accordance with the provisions of G.L. c. 30B, sec. 16, the Uniform Procurement Act, for the development thereon of a Wireless Telecommunications

Facility; and further to authorize the Board of Selectmen to enter into such a lease or leases for said purposes, for all or a portion of said land, upon such terms and conditions, and for a period in excess of three years, as the Board of Selectmen shall determine to be in the best interest of the Town; and to grant such easements upon said land as are necessary for utility services in support of such use; and further to authorize the Board of Selectmen to execute any and all documents reasonably necessary to effectuate the purposes of this article, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 24:** To see if the Town will vote pursuant to Clause 41C of Chapter 59, Section 5 of the Massachusetts General Laws to reduce the age from 70 to 65 years old at which certain qualifying seniors will be eligible for the tax exemption set forth therein, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 25:** To see if the Town will vote to accept the provisions of Chapter 59, Section 5, Clause 37A of the Massachusetts General Laws, which section authorizes an exemption of \$500.00 for blind persons who are legal residents of the Commonwealth and of the Town, thereby increasing the amount of exemption from the current amount of \$437.50, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 26:** To see if the Town will vote to amend the additional real estate tax exemption granted under Massachusetts General Laws Chapter 59, Section 5C ½ to taxpayers who are granted personal exemptions on their domiciles under Mass General Laws Chapter 59, Section 5, including certain blind persons, certain disabled veterans, surviving spouses and seniors, to an additional exemption of up to 75% percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2018, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 27:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90, Section 17C, to allow the Board of Selectmen to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 28:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90, Section 18B, to allow the Board of Selectmen to establish designated "safety zones" with a speed limit of 20 miles per hour on, at or near any way in the Town that is not a state highway, and, if a state highway, with the approval of the Department of Transportation, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 29:** To see if the Town will vote to accept as a public way Lavender Lane from its beginning at STA 0+26+/- to its end at STA 6+38.55 +/- including any easements and utilities appurtenance thereto, and to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise an easement in said street for all purposes for which public ways are used in the Town of Walpole, and any associated drainage, utility, access or other easements, and further to raise and appropriate, borrow and/or transfer from available funds a sum of money for the foregoing acquisition and all incidental and related costs, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 30:** To see if the Town will vote to accept as a public way Daylily Lane from its beginning at STA 2+60+/- to its end at STA 8+30.03 +/- including any easements and utilities appurtenance thereto, and to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise an easement in said street for all purposes for which public ways are used in the Town of Walpole, and any associated drainage, utility, access or other easements, and further to raise and appropriate, borrow and/or transfer from available funds a sum of money for the foregoing acquisition and all incidental and related costs, or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 31:** To see if the Town will vote to accept as a public way Redgate Road from its beginning at STA 2+70+/- to its end at STA 6+20.94+/- including any easements and utilities appurtenance thereto, and to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise an easement in said street for all purposes for which public ways are used in the Town of Walpole, and any associated drainage, utility, access or other easements, and further to raise and appropriate, borrow and/or transfer from available funds a sum of money for the foregoing acquisition and all incidental and related costs; or do or act anything in relation thereto. (Petition of the Board of Selectmen)

**ARTICLE 32:** To see if the Town will vote to amend the Section 561 of the General Bylaws, Wetland Protection Bylaw, by deleting the bold strikethrough text as set forth below, or do or act anything in relation thereto. (Petition of the Conservation Commission):

*§561-7: Permits, Determinations, and Conditions*

A. If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have significant or cumulative effect upon the wetland values protected by this Bylaw, the Commission, within 21 days of the close of the hearing, ~~shall~~ may issue or deny a permit for the activities requested. If it issues a permit, the Commission may impose conditions which the Commission deems necessary or desirable to protect those values and all activities shall be done in accordance with those conditions.

*§561-11: Enforcement; violations and penalties*

B. The Commission shall have authority to enforce this Bylaw, its regulations, and permits issued thereunder, by violation notices, administrative orders, and civil and criminal court actions. Upon request of the Commission, the ~~City Council~~ Board of Selectmen and the ~~City Solicitor~~ Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement

**ARTICLE 33:** To see if the Town will vote to adopt a six-month moratorium on any zoning changes, until such time as a Town Planner is hired and can review the economic impact of any zoning changes. or do or act anything in relation thereto. (Petition of the Economic Development Commission)

**ARTICLE 34:** To see if the Town will vote to amend the Walpole Zoning Bylaw Section 6-B Schedule of Dimensional Regulations by renumbering the Explanatory Notes to Schedule of Dimensional Regulations to change the second note numbered "3" to be numbered as "4" and renumbering the remainder of the notes accordingly so that the notes are numbered 1 to 16, sequentially, and to delete the half quotes (") shown under the Limited Manufacturing and Industrial Districts Required Lot Area (square feet) or do or act anything in relation thereto. (Petition of the Planning Board)

**ARTICLE 35:** To see if the Town will vote to amend the Walpole Zoning Bylaws as follows:

1.) By changing Section 10-C.2.A.(2) – Age Qualified Village (AQV), Site Requirements from:  
"Zoning District – an AQV shall be located only in Residential – B (RB), General Residential (GR), Business (B) and Limited Manufacturing (LM), and Highway Business (HB) District, and Rural (R) District contiguous to the Highway Business (HB) District."

To: "Zoning District – an AQV shall be located only in Residential – B (RB) and General Residential (GR) Districts."

And,



2.) By changing Table 5-B.1. Use Table Item 3 u. "Age Qualified Village pursuant to Section 10-C"

To:

"Age Qualified Village pursuant to Section 10-C.2" so that SPP is removed from "B," "LM," and "HB" and replaced with an "X." or do or act anything in relation thereto. (Petition of the Planning Board)

**ARTICLE 36:** To see if the Town will vote to amend the Walpole Zoning Bylaws as follows:

1. By eliminating current Section 6-C.4.A and inserting a new Section 6-C.4.A:

**"6-C.4 Number of Buildings per Lot**

Except where specifically provided elsewhere, in all residential zoning districts not more than one principal building constructed as a dwelling or so used shall be located on each lot. However, in General Residence (GR) Districts, the Board of Appeals may by Special Permit allow more than one principal building on a lot of at least 40,000 square feet where the applicant has also shown that the design and placement of the buildings will be in harmony with the general character of the neighborhood streetscape, driveways, building placement, setbacks, volume, and spacing.

The following additional conditions shall apply and no special permit shall issue unless the following conditions are satisfied:

1. Each dwelling unit shall be connected to municipal water and sewer infrastructure before any occupancy permit issues;
2. All proposed buildings shall have not less than two dwellings per building;
3. A minimum thirty foot setback shall be maintained from any building to any adjacent property line;
4. Buildings shall be a minimum of thirty feet apart;
5. Each building will be constructed in compliance with the requirements of the Massachusetts Building Code;
6. The maximum number of dwelling units, regardless of the number of buildings, shall not exceed one dwelling unit for every 10,000 square feet of lot area on a single lot;

Applications for this Special Permit shall provide the information to the Zoning Board of Appeals specified in Section 2 of the Zoning Bylaws and the information that is specified to be provided to the Planning Board required for Full Site Plan Review as specified in Section 13 of the Zoning Bylaws. Said projects will be subject to all other applicable provisions of the Zoning Bylaws.

2. And by amending Walpole Zoning Bylaw SECTION 13 Site Plan Review adding a new subsection "G" to Section 13.2 (Applicability) as follows:

"G. Multiple buildings on a lot in accordance with Section 6-C.4.A"

Or do or act anything in relation thereto. (Petition of the Planning Board)

**ARTICLE: 37** To see if the Town will amend Section 5B (Schedule of Use Regulations), Table 5-B.1 Use Table, 1. (Public, Semi-Public/Institutional) d. Private for profit school, by inserting the bold underlined text as follows:

d. Private for profit school, **nursery school or any educational or daycare institution operated by private, profit seeking businesses**" or do or act anything in relation thereto. (Petition of the Planning Board)

**ARTICLE 38:** To see if the Town will vote to amend the General Bylaws, Section 349, Demolition Procedures, commonly referred to as the Demolition Delay Bylaw, by deleting the strikethrough text and inserting the bold underlined text as set forth below:

**Article I: Demolition Procedures**

[Adopted as Article XXVII of the 1973 General Bylaws, as updated through 2002]

Editor's Note: This title of this bylaw was amended 5-11-2005 SATM, Art. 64, to correct a typographical error.

**§ 349-1 Purpose.**

This bylaw is enacted for the purpose of protecting and preserving significant buildings and/or structures and aesthetic resources within the Town of Walpole which constitute or reflect distinctive features of the architectural or historical resources of the Town and to encourage owners of such buildings and/or structures to seek out alternative options to preserve, rehabilitate or restore such buildings and/or structures rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town. To achieve these purposes the Walpole Historical Commission is authorized to advise the Inspector with respect to the issuance of permits for the demolition of significant buildings and/or structures. The issuance of demolition permits for significant buildings and/or structures is regulated as provided by this bylaw.

**§ 349-2 Definitions.**

**APPLICANT-Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.**

**APPLICATION-An application for the demolition of a building.**

**ARCHITECTURALLY OR HISTORICALLY SIGNIFICANT BUILDING AND/OR STRUCTURE**

Any building and/or structure which is at least 100 years old and:

A. Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of Walpole, the Commonwealth of Massachusetts, or the United States of America, or which is

B. Historically or architecturally important by reason of period, style, method of construction, or association with a particular architect or builder, either by itself or in the context of a group of buildings and/or structures.

**BONA FIDE**

**In or with good faith; honestly, openly, and sincerely; without deceit or fraud. Truly; actually; without simulation or pretense. Innocently; in the attitude of trust and confidence; without notice of fraud, etc.**

**BUILDING**

Any combination of materials forming a shelter for persons, animals, or property.

**COMMISSION**

The Walpole Historical Commission.

**DEMOLITION**

Any act of pulling down, destroying, removing or razing a building and/or structure or commencing the work of total or substantial destruction with the intent of completing the project.

**DEMOLITION PERMIT**

The permit issued by the Inspector as required by the State Building Code for a demolition, substantial demolition or removal of a building and/or structure.



## INSPECTOR

The person occupying the office of Building Inspector, or Building Commissioner, or the person otherwise authorized by the Commissioner to issue demolition permits.

## PREFERABLY PRESERVED

Any historically significant building and/or structure which, because of the important contribution made by such building and/or structure to the Town's historical or architectural resources, is in the public interest to preserve, rehabilitate, or restore rather than to demolish.

## PREMISES

The parcel of land on which an historically significant building and/or structure is or was located.

## STRUCTURES

Bridges, dams, towers, stacks, etc.

### **§ 349-3 Regulated buildings and/or structures.**

The provisions of this bylaw shall apply only to the following ~~buildings and/or structures and~~:

- A. Buildings and/or structures listed on or within an area listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on said national or state registers.
- B. Buildings and/or structures which were constructed 100 or more years prior to the date of the application for the demolition permit.
- C. Notwithstanding the above, the provisions of this bylaw shall not apply to any buildings and/or structures located in a local historic district and subject to regulation under the provisions of MGL c. 40C.

### **§ 349-4 Procedure.**

- A. No permit for the demolition of a building and/or structure which is at least 100 years or more old or listed on or within an area listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on said national or state registers, or otherwise subject to the provisions of this bylaw as provided in § 349-3 herein, shall be issued other than in conformity with the provisions of this bylaw, as well as in conformity with the provisions of other laws applicable to the demolition of buildings and/or structures and issuance of permits generally.
- B. Every application for a demolition permit for a building and/or structure at least 100 years or more old or listed on or within an area listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending Application for listing on said national or state registers, or otherwise subject to the provisions of this bylaw as set forth in § 349-3 herein, shall be filed with the Inspector and shall contain the following information: (i) the address of the Building and/or Structure to be demolished, (ii) the owner's name, address and telephone number, (iii) a brief description of the type of the building and/or structure and the condition requiring issuance of the permit, (iv) the date of the building and/or structure as established by the Board of Assessors, deed or documentation verifying year of construction and (v) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building and/or structure is located.
- C. Within five working days from receipt of a **completed** application for a demolition permit of a building and/or structure 100 years or older, the Inspector shall forward a copy to the Commission. No demolition permit shall be issued during this time.
- D. Within 15 working days after receipt of the **completed** application for a demolition permit by the Commission, the Commission shall make a Determination of Architectural and/or Historical Significance; **provided, however that the applicant and the Commission, may agree in writing to delay the deadline for making the Determination.** Upon determination by the Commission that the building and/or structure is not architecturally and/or historically significant, the Commission shall so notify the Inspector in writing. Upon receipt of such notification, or after the expiration of 20 working days from the date of submission to the Commission, if the

Inspector has not received notification from the Commission, the Inspector may issue the demolition permit.

[Amended 5-11-2005 SATM, Art. 65]

E. Upon a determination by the Commission that the building and/or structure is historically and/or architecturally significant, the Inspector and the applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission shall hold a public hearing within 20 working days of the Determination of Significance to determine whether the building and/or structure should be preferably preserved. Public notice of the time, place and purpose of the hearing shall be published by the Inspector at the expense of the applicant in a newspaper of general circulation in the Town not less than seven days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven days before the day of said hearing.

F. If, after a public hearing, the Commission determines that the significant building and/or structure should not be preferably preserved, the Commission shall notify the Inspector, in writing, within five working days of the hearing and the Inspector may issue a demolition permit upon receipt of the written decision or after the expiration of five working days of the hearing if the Inspector has not received notification from the Commission, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations.

G. If, after a public hearing, the Commission determines that the significant building and/or structure should be preferably preserved, the Commission shall so notify the Inspector, in writing, within five working days of the hearing, and no demolition permit may be issued until ~~six~~ **twelve** months after ~~from~~ the date of the determination by the Commission unless otherwise agreed to by the Commission in accordance with §349-5.

#### **§ 349-5 Exceptions.**

Notwithstanding anything contained in § 349-4FG, the Inspector may issue a demolition permit for a preferably preserved building and/or structure at any time after receipt of written advice from the Commission to the effect that the Commission is satisfied with either of the following:

A. There is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate, or restore such building and/or structure.

B. For at least ~~six~~ **twelve** months the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, or restore such building and/or structure, and that such efforts have been unsuccessful.

#### **§ 349-6 Responsibility of owner(s).**

It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises, for participating in the investigation of preservation options and for actively cooperating in seeking alternatives with the Commission and any interested parties.

#### **§ 349-7 Administration.**

**The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.**

**The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.**

**The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission.**

#### **§ 349-7.8 Emergency demolition.**

Nothing in this bylaw shall restrict the Inspector from immediately ordering the demolition of any building and/or structure upon the written request of the owner in the event of imminent danger to the safety of the public. Nor shall this bylaw be construed as derogating from the authority of the Inspector to act pursuant to MGL c. 143, the authority of the Board of Health to

act pursuant to MGL c. 111, § 127B, or 105 CMR 420.831-420.960 or from the authority of the Board of Selectmen to act pursuant to MGL c. 139.

#### **§ 349- 8 9 Enforcement.**

The Commission and/or the Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof or to require restoration of the premises to their condition prior to a violation of this bylaw. ~~No building permit shall be issued with respect to any premises upon which a significant building and/or structure has been voluntarily demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition.~~

**Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission. If enforced through non-criminal disposition in accordance with G.L. c.40, §21D and Section 295-4 of the Town Bylaws, the fine shall be \$ \_\_\_\_\_.**

**If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.**

#### **§ 349- 9 10 Severability.**

If any section, paragraph, or part of this bylaw be, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

And, further, to amend Section 295-4 of the Town Bylaws, Fines for Non-Criminal Disposition, by inserting a new row, shown in bold below, following "Chapter 336, Graffiti" as follows:

Bylaw/Code Chapter Article and/or Section	Fine	Enforcing Person
<b>Chapter 349, Demolition Procedures</b>	<b><u>\$300</u></b>	<b>Building Inspector/Commissioner</b>

or do or act anything in relation thereto. (Petition of the Historical Commission)

**ARTICLE 39:** To determine whether the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain pursuant to M.G.L. c. 79, for municipal purposes, under terms and conditions agreeable to the Selectmen, fee, easement and/or other property interests in, on, over, across all or a portion of a parcel of (and in Walpole located at 1350 North Street of approximately 1.25 acres, more or less, together with any structures, improvements, and trees thereon, shown as Map 5, Parcel 52, on the Walpole Assessors' Maps as more particularly identified in deeds recorded in the Norfolk County Registry of Deeds in Book 35502, Page 169, for the fair market price of \$405,000.00, or any other fair market value that may be determined by a certified land appraiser retained by the Town to conduct an independent appraisal of the property, or such lower sum acceptable to the Board of Selectmen, ~~and~~ that to meet the appropriation, the Town vote whether to raise and appropriate, transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow under the provisions of Chapter 44 of the Massachusetts General Laws or any other enabling authority to be expended: by the Board of Selectmen for such acquisition, and further, to determine whether the Town will vote to authorize the Board of Selectmen to allow the property to be restored and preserved by deed restrictions and to take all actions necessary to execute such documents as they deem necessary to accomplish the foregoing, or take any other action relative thereto. (Petition of Susan Shocket *et al.*)

**ARTICLE 40:** To see if the Town will vote to amend the Walpole Zoning Bylaw by inserting a new section, Section 10-D, Open Space Residential Development (OSRD), to provide as set forth below; or act or do anything in relation thereto.

#### 10-D. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

##### 1. Purpose and Intent

- A. The primary purposes for OSRD are the following:
- (1) to allow for greater flexibility and creativity in the design of residential developments;
  - (2) to encourage the permanent preservation of contiguous open space, scenic vistas, agricultural land, forestry land, wildlife and rare species habitat, other natural resources and features, including aquifers, water bodies, areas of critical environmental concern, wetlands, aquifers and other water resources, and historical and archeological resources, in a manner that is consistent with the Town of Walpole's Master Plan and Open Space and Recreation Plan;
  - (3) to encourage a more efficient and compact form of residential development that consumes less open land and natural materials and conforms to existing topography and natural features better than a Conventional Development Plan permitted under the Zoning Bylaw;
  - (4) to facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economic and efficient manner; and
  - (5) to promote affordable housing through an incentive-based density bonus.

##### 2. Applicability

- A. Zoning Classification: Only proposed development located in the Rural, Residence A and Residence B Districts shall be eligible for an OSRD Special Permit. Applicability shall also include those areas where these residential districts are within established Overlay Districts subject to any restrictions imposed by the Overlay District.
- B. Subdivision Land Area: Any proposed residential development in the Town of Walpole that is on a parcel of twenty (20) acres or more or on contiguous parcels totaling twenty (20) acres or more may apply for a Special Pennit application to the Planning Board for an OSRD in accordance with the provisions of this Section. Any Special Permit application submitted under the provisions of this subsection that involves the subdivision of land shall also be subject to the approval of the Planning Board under the Rules and Regulations Governing the Subdivision of Land in the Town of Walpole.
- C. Contiguous Parcels: To be eligible for consideration as an OSRD, the total tract shall consist of one parcel or set of contiguous parcels including those parcels separated by a public right-of-way. Properties containing land area in non-residential districts may use the land area within non-residential districts to meet the open space requirements. Only the lot area zoned for residential uses shall be used for purposes of establishing a Yield Plan under Subsection 6.
- D. Land Division: To be eligible for consideration as an OSRD, the proposed development must involve either (i) a subdivision of land, (ii) a division of land not subject to the subdivision control law (Approval Not Required) pursuant to M.G.L. c. 41, s. 81P, and/or (iii) a condominium on land not so divided or subdivided.

##### 3. Authority

The Planning Board shall act as the Special Permit granting authority for all OSRD applications.

#### **4. Pre-Application Conference**

- A. Conference: The applicant for an OSRD Special Permit is strongly encouraged to attend a pre-application conference at a regular business meeting of the Planning Board. If one is requested, the Planning Board may invite a representative of the Conservation Commission, Board of Health, and any other municipal agent that will receive a copy of the OSRD application. The purpose of a pre-application conference is to attempt to streamline the formal application process, to minimize the applicant's costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. With the consent of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSRD Special Permit.
- B. Materials: Applicants choosing to request a pre-application conference should attempt to develop the maps/illustrations listed below. The applicant is strongly encouraged to submit these materials in both hard copy and electronic format where possible. This information need not be prepared by an engineer but should reasonably reflect existing conditions:
- (1) Site Context Map. This map shall illustrate the parcel in connection to its surrounding neighborhood. The map should show land features within one thousand (1,000) feet of the site but may be expanded to include important features beyond one thousand (1,000) feet such as drainage pathways, transit routes or other resources. A standard USGS quadrangle may be used as a Site Context Map along with any other readily available data in Geographic Information System (GIS) format. These documents enable the Planning Board to understand the site in relation to what is occurring on adjacent properties;
  - (2) Existing Conditions Map. Based upon existing data sources and field inspections, this base map shall locate and describe noteworthy resources that could be protected through sensitive subdivision layouts. These resources shall include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature non-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. Where appropriate, photographs of these resources should accompany the map;
  - (3) The most current available aerial photography or any other GIS data readily available through the Commonwealth of Massachusetts or other sources; and
  - (4) Other Information. In addition, applicants are invited to submit any other available information otherwise required in Sketch Plan or Definitive Plan submittals.

#### **5. Four-Step Design Process**

Unless waived by the Planning Board, at the time of the application for an OSRD Special Permit, applicants are required to demonstrate that the following four-step design process was performed by a certified Landscape Architect (LA), or by a Qualified Design Team (QDT).

- A. Step One: Identifying Conservation Areas and the Potentially Developable Area. The certified LA or QDT shall first identify and delineate two categories of conservation areas at the site and delineate the potentially developable areas as follows:

- (1) Primary Conservation Areas. This consists of those areas protected by federal, state, or local laws, including but not limited to wetland resource areas, areas of critical environmental concern, outstanding resource waters, estimated rare species habitat (as designated by Natural Heritage and Endangered Species Program), flood hazard areas, and floodplains; and,
  - (2) Secondary Conservation Areas. This consists of those elements of the natural landscape that are not protected by law, but would provide environmental, aesthetic, pastoral, historical, or other value to the environment or community, wetland buffer zones, vernal pools, prime farmland and prime agricultural soils, large open meadows, critical wildlife habitats, priority habitats (as designated by Natural Heritage and Endangered Species Program) and important cultural features such as historic structures and archeological sites, stone walls, heritage landscapes, scenic views or other unique geological features on or adjacent the site.
  - (3) Potentially Developable Areas. After identifying the conservation areas, the certified LA or QDT shall then delineate the Potentially Developable Areas (PDA), which, to the maximum extent feasible, shall consist of land outside identified Primary and Secondary Conservation Areas.
- B. Step Two: Locating House Sites. Within the PDA, the certified LA or QDT shall then locate the approximate sites of individual houses or structures and delineate the private yards and shared amenities, so as to reflect an integrated neighborhood that conforms to any natural or historic features of the site.
  - C. Step Three: Aligning the Streets and Trails. The certified LA or QDT shall then align streets to access the house lots/ units and lay out sidewalks and walking trails to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
  - D. Step Four: Lot Lines. If applicable the certified LA or QDT shall then delineate the lot lines according to Section 10-D.8 of this Bylaw.

## 6. Plan Requirements

Applicant for OSRD Special Permits shall not be required to submit materials for a Full Site Plan Review pursuant to Section 13 of the Zoning Bylaw. The following plans are required as part of the OSRD Special Permit application:

- A. Conventional Development Yield Plan: The maximum number of allowable units shall be derived from and delineated on a Conventional Development Yield Plan (hereafter referred to as "Yield Plan"). In the case of a subdivision of land, the Yield Plan shall show the maximum number of lots or units that would be deemed buildable upon the site under a conventional subdivision process according to a reasonable application of the Rules and Regulations Governing the Subdivision of Land in the Town of Walpole and all other applicable state and local rules and regulations.

The applicant shall have the burden of proof with regard to the Basic Maximum Number of lots/dwelling units or additions, alterations or extensions of existing structures permitted under the Zoning Bylaw. The Planning Board may request further information related to the proposed yield, including but not limited to an approved wetland and resource delineation (incl. an Abbreviated Notice of Resource Area Delineation, soil tests and percolation tests). At a minimum, the Yield Plan shall show the following:

(1) Existing Conditions Plan

- (a) Property boundary, north arrow, date, and scale;
- (b) Existing topography at two-foot contour intervals;
- (c) Name and address of record owner, applicant, and designer, engineer, and surveyor;
- (d) Names of all direct abutters as determined by the Assessor's Office;
- (e) Property area;
- (f) Zoning District(s) with summary of applicable dimensional, height and bulk regulations; and
- (g) Location of wetlands and surface waters with appropriate jurisdictional buffers as determined by a field survey of wetland resources.

(2) Yield Determination Plan:

- (a) All information required in the Existing Conditions Plan;
- (b) Street layout;
- (c) Footprints of structures;
- (d) Setbacks applicable to the underlying Dimensional Regulations;
- (e) Existing topography in two (2) foot intervals;
- (f) Wetland resource areas; and
- (g) General location of stormwater and wastewater management structures.

B. Sketch Plan: The Sketch Plan will demonstrate to the Planning Board and other agencies that the four-step design process was followed. The Sketch Plan shall contain the following information:

(1) Existing Conditions Plan:

- (a) Property boundary, north arrow, date, and scale;
- (b) Existing topography at two (2) foot contour intervals;
- (c) Name and address of record owner, applicant, and designer, engineer, and surveyor;
- (d) Names of all direct abutters as determined by the Assessor's Office;
- (e) Property area;
- (f) Zoning District(s) with summary of applicable dimensional, height and bulk regulations; and
- (g) Location of wetlands and surface waters with appropriate jurisdictional buffers as determined by a field survey of wetland resources.

(2) Conservation Area Plan:

- (a) Property boundary, north arrow, date and scale;
- (b) Existing topography at two (2) foot contour intervals;
- (c) Location of all individual Primary and Secondary Conservation Areas;
- (d) Perimeter of aggregate Primary Conservation Areas;
- (e) Perimeter of aggregate Secondary Conservation Areas;
- (f) Number of units allowed by the Yield Plan; and
- (g) Number of additional units being pursued through density bonuses.

(3) Development Plan:

- (a) All information required in the Existing Conditions Plan;
- (b) Perimeter of proposed Potentially Developable Area;



- (c) Location of units;
- (d) Street layout;
- (e) Lotting locations with associated setbacks and lot areas;
- (f) Setbacks;
- (g) Location and extent of landscaped areas and buffers;
- (h) Location of management areas for stormwater runoff;
- (i) A brief narrative prepared by the QDT describing the approach to managing both on-site and off site stormwater runoff;
- (j) Location of management areas for wastewater disposal if applicable;
- (k) A brief narrative prepared by the QDT describing the approach to managing wastewater disposal; and
- (l) A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, with an accompanying brief narrative explaining their general purpose.

## 7. Procedures

- A. Application: An application for an OSRD Special Permit, or for an amendment thereto, shall include an OSRD Sketch Plan and a Conventional Development Yield Plan, as described above in Section 100.6.
- B. Submittal and Distribution: An applicant for an OSRD Special Permit shall submit the contents required in this Section of the Zoning Bylaw in accordance with the Special Permit procedures outlined in Section 2 of the Zoning Bylaw.
- C. Site Visit: Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing process. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or his or her agents if requested by the applicant.
- D. Technical Experts: The Planning Board may engage technical experts, at the applicant's expense, as reasonably necessary in connection with its review of the application materials.
- E. Other Requirements: The procedural and substantive Special Permit requirements set forth in this Section shall be in addition to any other requirements of the Subdivision Control Law (Massachusetts General Laws Chapter 41) and other provisions of this Bylaw.
- F. Relationship between the Sketch Plan and the Definitive Subdivision Plan:
  - (1) The approval of an OSRD Special Permit may run concurrently or be followed by the submittal of a Definitive Subdivision Plan. The Definitive Subdivision Plan shall be reviewed by the Planning Board for compliance with the Rules and Regulations Governing the Subdivision of Land and for compliance with the Sketch Plan. A Definitive Subdivision Plan shall be considered not to substantially comply with the Sketch Plan if the Planning Board determines that any of the following changes exist:
    - (a) An increase in the number of building lots or dwelling units;
    - (b) A decrease in the open space acreage or significant change in configuration;
    - (c) A change in the lot layout, unit placement or overall development pattern that results in the loss of or encumbrance upon any resource previously identified in the Four Step Design Process;
    - (d) A significant change to the stormwater management facilities; and/or
    - (e) A significant change in the wastewater management systems.

- (2) If the Planning Board determines that the Definitive Subdivision Plan does not substantially comply with the Sketch Plan or special conditions included in the original Special Permit approval, the Board may require an amendment to the Special Permit; and
  - (3) The Planning Board may conditionally approve a Definitive Subdivision Plan that does not substantially comply with the Sketch Plan so long as the proposed changes are consistent with the purposes and intent of this Bylaw. However, such conditional approval must identify where the plan does not substantially comply with the OSRD-SP Plan and shall be conditional upon the applicant applying for, and the Planning Board
- G. The public hearing on the application for an amendment to the OSRD Special Permit shall be limited to the significant changes identified by the Planning Board in their conditional approval of the Definitive Subdivision Plan. The Planning Board may only review and consider factors and impacts associated with the significant changes in deciding whether to grant an amendment to the OSRD Special Permit.

### **8. Reduction of Dimensional Requirements and Permitted Uses**

The Planning Board may modify lot size, shape, frontage, setbacks, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

- (1) Lots having reduced area or frontage shall not have frontage on a street or way other than a street or way created by the OSRD. The Planning Board may waive this limitation to the extent it determines that such waivers will substantially further the purposes and intent of this Bylaw;
- (2) Lot frontage may be reduced to fifty (50) feet;
- (3) At least fifty percent (50%) of each required setback for the applicable zoning district shall be maintained in the OSRD. The Planning Board may further reduce the applicable setbacks to the extent it determines that such reduction(s) will substantially further the purposes and intent of this Bylaw; and
- (4) Minimum lot size shall be eight thousand (8,000) square feet for single family homes. . The Planning Board may reduce this minimum lot size to the extent it determines that such reduction(s) will substantially further the purposes and intent of this Bylaw.

### **9. Open Space Requirements**

#### **A. Minimum Open Space:**

- (1) A minimum of forty percent (40%) of the tract shown on the Sketch Plan shall be open space and must be preserved as such in perpetuity in accordance with this subsection; and
- (2) For any property within the WRPOD - "Water Resource Protection Overlay District" a minimum of sixty percent (60%) of the tract shown on the OSRD plan shall be open space and must be preserved as such in perpetuity in accordance with this subsection.

#### **B. Wetlands:**

The applicant may include a percentage of existing natural wetland area(s) in the dedicated open space. The percentage of wetland allowed in the dedicated open space shall not exceed the overall percentage of wetland on the site under existing conditions.

Sample Calculation:

Existing Conditions:

12 acre site with 3 acres of wetland  $3 + 12 =$

25% wetland coverage

Open Space Requirements:

50% Open Space = 6 acres

Wetland Allowance:

6 acres \* 25% wetland coverage = 1.5 acres

Open Space can be 4.5 acres of upland and 1.5 acres of wetland

C. Contiguous:

The open space shall be contiguous. Contiguous shall be defined as being connected. Open space will still be considered connected if it is separated by a roadway or right-of-way. The Planning Board may allow two separate open space areas that are disconnected if it furthers the purposes and intent of this Bylaw.

D. Accessible:

Based on the assessment of the primary and secondary resources identified within the four-step design process, providing deeded public access within the protected open space areas is strongly encouraged. For protected open space maintained for active agricultural purposes (e.g. uses including the raising of livestock, equestrian facilities, or residential use of a historic structure) or other uses not conducive to open public access, public access may be limited or completely excluded.

E. Uses of Open Space:

The open space shall be suitable for and protected and maintained for wildlife habitat, conservation, historic preservation (landscapes and/or structures), outdoor education, passive and active outdoor recreation, park purposes, agriculture, horticulture, forestry, and/or a combination of these uses. It shall also be served by suitable access for such purposes. The Planning Board may permit up to five percent (5%) of the open space to be paved (pervious paving materials are encouraged) or built upon for structures accessory to the dedicated use or uses of such open space (for example, pedestrian walks and bike paths).

F. Wastewater/Stormwater Structures:

At the discretion of the Planning Board subsurface wastewater and stormwater management systems serving the OSRD may be located within the open space. Surface systems that are determined by the Planning Board to be "soft" (non-structural) stormwater management systems and resemble natural features may be included as part of the Open Space. These systems may include, but shall not be limited to, vegetated swales, bio-retention facilities, or constructed wetlands. Large-scale retention and detention basins shall not be considered eligible for inclusion on the Open Space.

G. Long-Term Protection:

The protected open space shall be subject to a recorded conservation restriction enforceable by the Town providing that such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein, and maintained in a manner which will ensure its suitability for its intended purposes. Unless modified by the Board, such open space shall include a Conservation Restriction (CR) as defined under M.G.L. 184 and shall be conveyed, by easement or fee, to one or more of the following:

- (1) The Town or its Conservation Commission;

(2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or

(3) A corporation or trust owned jointly or in common by the some or all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lot(s) in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities if the trust or corporation fails to provide adequate maintenance and deemed to have granted the Town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it. The trust or corporation shall be liable to the Town for the reasonable expenses associated with such maintenance performed by it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

**H. Approval under MGL 184:**

After approval of an OSRD Special Permit, the Board shall review the final CR approved by the Executive Office of Energy and Environmental Affairs (EEA) and determine that it is in substantial compliance with the approved plans and the CR presented during the public hearing. If not in substantial compliance, an amendment to this Special Permit shall be sought and obtained, after public hearing, prior to issuance of the Building Permit. The Board may waive the MGL 184 requirements if approval of the CR by EEA or the Town is withheld.

**10. Design Standards**

The following General Design Standards shall apply to all OSRD projects and shall govern the development and design process:

- A. <sup>A</sup> The landscape should be preserved in its natural state. Tree and soil removal shall be minimized and saved trees shall be protected during construction. Native and non-invasive trees with a caliper greater than twenty (20) inches (measured at four (4) feet) shall be preserved to the greatest extent practicable.
- B. Any grade changes shall be in keeping with the general appearance of the neighboring undeveloped and developed areas. Individual building sites shall be oriented so as to maintain any scenic vistas, historic structures, heritage landscapes, natural topography, and to take advantage of natural drainage patterns.
- C. Streets or driveways shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cuts and fills; and, to preserve and enhance views and vistas on or off the subject parcel.
- D. All proposed landscaping shall be designed to complement and add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties and public ways.

- E. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized, whether these exist on the site or on adjacent properties.
- F. All aspects of new construction, including but not limited to building materials, fenestration, roof pitch, height, facade proportion, fences, roof features (i.e. dormers, atrioms, turrets, eave breaks, skylights), door placement, porches, decks and trim details, shall be compatible with the architectural heritage of the neighboring structures and the Town of Walpole.
- G. Variable lot sizes and lot shapes are encouraged as is a mix of housing types and house sizes to reduce monotony and repetition.
- H. Roof massing shall be consistent with recognized historic roof patterns.
- I. Garages shall be recessed at least five (5) feet from the front building wall of the house. Side entry and detached garages are strongly encouraged.
- J. Walkways and/or bicycle paths shall be provided to link residences with parking areas, existing or future trails, streets or ways, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

## **11. Decision of the Planning Board**

- A. The Planning Board may grant an OSRD Special Permit if it determines that the proposed OSRD has less detrimental impact on the tract and advances further the interests of the community than a Conventional Development Plan (CDP) for the tract, after considering the following factors:
  - (1) Whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a Conventional Development Plan;
  - (2) Whether the OSRD promotes permanent preservation of open space, scenic vistas, agricultural land, forestry land, wildlife and rare species habitat, other natural resources and features, including aquifers, water bodies, areas of critical environmental concern, and wetlands, and historical and archeological resources in a manner that is consistent with the Town of Walpole Master Plan and Open Space and Recreation Plan;
  - (3) Whether the OSRD promotes a more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a Yield Plan;
  - (4) Whether the OSRD reduces the total amount of disturbance on the site as compared with a Yield Plan;
  - (5) Whether the OSRD furthers the goals and policies of the Town of Walpole Master Plan and Open Space and Recreation Plan as amended from time to time;
  - (6) Whether the OSRD facilitates the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner than a Yield Plan;
  - (7) Whether the OSRD Special Permit Plan and other supporting documentation complies with all provisions of this Section;
  - (8) Whether the proposed construction of housing, landscape and streetscape is in harmony with the overall architectural heritage and historic character of the Town of Walpole.

## **12. Increases in Permissible Density**

- A. Allowable density bonuses for open space and affordable housing are listed below.

These bonuses may be used individually or in some combination to potentially increase the number of units allowed on a site. The aggregate density bonus for an OSRD shall not exceed fifty percent of the Basic Maximum Number. Common Driveway OSRD proposals are not eligible for density bonuses.

(1) Open Space:

In all applicable Districts, the Planning Board at its discretion may increase the number of dwelling units beyond the Basic Maximum Number and award a ten percent (10%) density bonus for each additional five percent (5%) of upland open space that is designated as protected under the OSRD. However, this density bonus shall not exceed twenty-five percent (25%) of the Basic Maximum Number.

(2) Affordable Housing:

For every one dwelling unit restricted to occupancy for a period of not less than ninety-nine (99) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development (DHCD) and that shall be eligible for inclusion in and count toward the Town's "Subsidized Housing Inventory," as maintained by DHCD or any successor agency, the Planning Board may award a density bonus of two (2) market-rate dwelling units. However, this density bonus shall not result in a number of units that exceeds fifty percent (50%) of the Basic Maximum Number.

### **13. Adoption of Rules and Regulations**

The Planning Board may, after notice and hearing, adopt rules and regulations to implement the provisions of Section 10-D, including but not limited to specifying the content and number of required plans, application procedures, filing and review fees, design criteria, development standards, and other general requirements consistent with this Bylaw. or do or act anything in relation thereto. (Petition of John Hasenjaeger etal.)

And you are hereby directed to serve this warrant by posting attested copies thereof in at least two public places in each precinct in said Town not less than seven days before the day appointed for said meeting.

Hereof fail not make due return of this warrant with your doings thereon to the Town Clerk before the day set for said meeting.

Given under our hands and the seal of the Town this \_\_\_\_ day of \_\_\_\_\_ in the year two thousand and Eighteen.

BOARD OF SELECTMEN

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By virtue of the within warrant I have notified the inhabitants of the Town of Walpole qualified to vote in elections and town affairs, to meet at the time and place for the purpose mentioned in said warrant by posting attested copies thereof in at least two public places in each precinct of said town not less than seven days before the day appointed for said meeting.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date Posted